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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,309	01/16/2002	Sergey N. Razumov	59036-028	5567
7590	01/31/2007			EXAMINER
McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096				FADOK, MARK A
			ART UNIT	PAPER NUMBER
				3625
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/31/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/046,309	RAZUMOV, SERGEY N.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Fadok	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 06 November 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-7 and 11-57 is/are pending in the application.  
 4a) Of the above claim(s) 18,37-57 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,11-17 and 19-36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 8/07/2006, which was received 11/7/2006. Acknowledgement is made to the amendment to claims 1, the cancellation of claims 8-10 and the withdrawal of claims 18,37-57. The cancellation of claim 9 has obviated the Double Patenting objection. The applicant's arguments have been carefully considered, but were not found to be convincing therefore the previous rejection modified as necessitated by amendment is provided below:

### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3625

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7,9,11-17,19-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghazarian (US PGPub 2002/0089434) in view of Official Notice.**

**In regards to claims 1-7,9,11-17,19-36,** Ghazarian teaches all of the claimed features such as electronic tracking of packages to maintain security through personnel, vehicle and package identification, except as follows:

**In regards to claim 1,** Ghazarian teaches delivery of products, but does not specifically mention that there is an order processing system for receiving customer orders. It was old and well known at the time of the invention to place electronic orders for product then have them shipped. The examiner takes Official Notice that it would have been obvious to a person having ordinary skill in the art to include receiving orders, because this includes a majority of the business that delivery people have (fulfilling orders) and would therefore increase revenues by including receiving orders that will eventually be delivered.

record ID information that identifies a package containing the ordered product when the package is formed at the storage facility (0021),

Ghazarian teaches loading information about the product along with delivery location, ID information and arrival data (0098), but does not specifically mention that there is customer information. The examiner takes Official Notice that it was old and well known in the art at the time of the invention to include customer information in the

tracking data. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Ghazarian including customer information, because this would provide efficient means for the customer to track the location of the product on the internet.

the recorded ID information being modified when the package is being transferred to the purchase pick-up point to reflect information associated with transfer of the product (0095);

track changes in the recorded ID information until the product is received by the customer identified by the customer ID data;

obtain authorization information identifying personnel authorized to perform operations in connection with the product, and

obtain information identifying personnel involved in handling the product; the tracking system having an unauthorized access warning mechanism responsive to the authorization information and to the information on the personnel involved in handling the product for providing indication of an access to the product by an unauthorized person.

**In regards to claim 3**, Ghazarian teaches tracking products and packages, but does not specifically mention that the product in the containers being shipped is a food product. Since the limitation of food product does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b))

and is therefore not considered to provide any patentable distinction. The examiner contends that the system would work equally well with the shipment of any product.

**In regards to claims 19,22-24, and 31-36,** Ghazarian teaches tracking products in a storage and receiving/shipping area, but does not specifically mention all the individual storage and pick up features of the instant claims. The examiner takes official notice that storage and pickup features of the subject claims were old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include any number of security and customer pickup convenience methods because this would provide an additional means for tracking the product while at the facility and assure that unauthorized individuals were not picking up the secure product, thus improving the efficiency of the system.

#### ***Response to Arguments***

Applicant's arguments filed 11/7/2006 have been fully considered but they are not persuasive.

Applicant argues that Ghazarian does not teach all the features of the instant tracking system. The examiner disagrees and directs the applicant's attention to the mapped claim above.

The examiner concurs with applicant's assumption that the statement "it was old and well known in the art" signifies the taking of official notice by the examiner.

### **Official Notice Traverse**

A "traverse" is a denial of an opposing party's allegations of fact. The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

Alexandria, Va. 22313-1450

or faxed to:

**571-273-8300** [Official communications; including  
After Final communications labeled  
"Box AF"]  
For general questions the receptionist can be reached at  
**571.272.3600**

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok  
Primary Examiner